

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | No. 4:19-CR-00309-CDP (SPM) |
| |) | |
| v. |) | |
| |) | |
| KORTNY WARREN, |) | |
| |) | |
| Defendant. |) | |

**GOVERNMENT'S MOTION FOR PRETRIAL DETERMINATION OF
ADMISSIBILITY OF ARGUABLY SUPPRESSIBLE EVIDENCE AND
DISCLOSURE OF ARGUABLY SUPPRESSIBLE EVIDENCE
PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 12(b)(4)**

COMES NOW the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Angie E. Danis, Assistant United States Attorney for said District, and makes the following disclosures pursuant to Federal Rule of Criminal Procedure 12(b)(4):

At trial, the Government intends to use the following evidence seized and statements made during the course of its investigation. This evidence and these statements are more fully set forth in investigative reports, which will be made available to the defendants and will be supplemented on an ongoing basis.

| <u>Date</u> | <u>Event</u> | <u>Witness(es)</u> |
|-------------------|--|---|
| February 5, 2016 | Controlled buy of methamphetamine from Kortny WARREN | ATF SA Michael McGrath; Deputy Nicholas Forler |
| February 18, 2016 | Controlled buy of methamphetamine from Kortny WARREN | ATF SA Michael McGrath; Deputy Nicholas Forler |
| April 22, 2016 | Precision location information for telephone (314) 755-7755 used by Kortny WARREN (4:16 MJ 1140 JMB) | ATF SA Michael McGrath |

| | | |
|-----------------|--|--|
| April 28, 2016 | Precision location information for telephone (314) 755-7755 used by Kortny WARREN (4:16 MJ 6066 PLC) | ATF SA Michael McGrath |
| April 29, 2016 | Traffic stop and seizure of methamphetamine from Kortny WARREN | ATF SA Michael McGrath; Jefferson County Deputy Nic Forler |
| July 22, 2016 | Cell site simulator warrant to locate (314) 755-7755 used by Kortny WARREN (4:16 MJ 1141 JMB) | ATF SA Michael McGrath |
| August 15, 2016 | Historical cell site records for cellular telephone (314) 304-0205 (4:16 MJ 157 DDN) used by Mark Riley | ATF SA Michael McGrath |
| August 15, 2016 | Historical cell site records for cellular telephones (314) 755-7755 and (573) 286-5880 (4:16 MJ 158 DDN) used by Kortny WARREN | ATF SA Michael McGrath |
| August 15, 2016 | Search warrant for cellular telephone belonging to Kortny WARREN (4:16 MJ 156 DDN) | ATF SA Michael McGrath |
| August 24, 2016 | Cell phone extraction from cellular telephone belonging to Kortny Warren | ATF SA Jeff Thayer |

In connection with this filing, the Government moves for pretrial determination of admissibility of arguably suppressible evidence.

The Government has not included in its listing of events the various surveillance that occurred during the course of the investigation, nor the obtaining of "booking" information. It is the Government's position that these events are not subject to suppression.

As additional evidence is found, and as supplemental information comes to the government's attention, the government may choose not to use some evidence described, or to use evidence additional to that listed in these reports. If the government chooses to use additional evidence, a supplemental Rule 12(b)(4) notice, and/or a Notice of Intent to Seek the Admission of Evidence Pursuant to Federal Rule of Criminal Procedure 404(b) will be filed.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Angie E. Danis
ANGIE E. DANIS, #64805MO
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2020, I filed a true and correct copy of the foregoing electronically with the Clerk of the Court, to be served by way of the Court's electronic filing system upon the attorney for the defendant.

/s/ Angie E. Danis
ANGIE E. DANIS, #64805MO
Assistant United States Attorney